

CARLOS M. RAMIREZ
MAYOR

MONICA D. CUNNINGHAM
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL
EXECUTIVE ASSISTANT TO THE MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ELVIA G. HERNANDEZ
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MAY 29, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Carlos M. Ramirez present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Paul Joseph Escobar, Luis G. Sariñana and Elvia G. Hernandez. Absent: None. Meeting was called to order and the invocation was given by Reverend Ronald Alton, Northgate Christian Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Ortega, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 17, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Liens whereby the City releases its liens in the amount of SIXTEEN THOUSAND FIVE HUNDRED TWENTY-THREE AND NO/100THS DOLLARS (\$16,523.00 - \$5,870/\$566 loans;\$6,780/\$567/\$2,740 grants) against the following described real property:

Lot 4, Block 2, North Loop Garden Unit 1, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 15, Page 10, Plat Records of El Paso County, Texas; also known and numbered as 525 Emerson, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the City Council of the City of El Paso ("the City") enacted and adopted Ordinance No. 014641 on September 26, 2000, designating Reinvestment Zone "FF" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et seq., Texas Tax Code, as amended ("the Act"); and

WHEREAS, pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by Resolution dated September 12, 2000, the City Council adopted on September 26, 2000, a Resolution authorizing the Mayor to sign a Tax Abatement Agreement with Southwestern Bell Telephone Company ("Southwestern Bell"), which owns or has a possessory interest in certain taxable real property located in the Zone; and

WHEREAS, Southwestern Bell has reviewed the Tax Abatement Agreement and desires to implement minor revisions from the form approved by City Council; and

WHEREAS, City Council desires to approve those revisions proposed by Southwestern Bell;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the revised Tax Abatement Agreement with Southwestern Bell Telephone Company, pursuant to the terms and conditions as set forth in a copy of such agreement, which is attached hereto as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's office)

Representative Medina questioned the language changes in the Agreement with Southwestern Bell.

Mr. Adrian Ocegueda, Economic Analyst, explained that the previous Agreement stated Southwestern Bell had to participate in some sort of vocational training in the school district where the building is to be located; however, the company asked that the language be changed to state that the company has agreed to hire five graduates from the Canutillo School District, aside from hiring 80% of unemployed employees from El Paso and to make an effort to hire only El Pasoans.

Representative Medina asked that Mr. Ocegueda reiterate the numbers regarding the Tax Abatement Agreement.

Mr. Ocegueda responded that the City would abate approximately \$18,956.00 per year, collectively it would be \$36,231.00.

Representative Cook stated there was another requirement that the Southwestern Bell Company add close to \$1 million dollars to the tax base.

Mr. Ocegueda explained that this clause, in conjunction with other clauses in the Agreement, is in addition to the Agreement. He stated that the City does not abate any taxes to the Canutillo School District and that Southwestern Bell has no liability to the School District.

Representative Sumrall clarified that this was for this one location only not all around the City.

Mr. Roberto Franco, Director of Economic Development, explained that the reason Southwestern Bell asked for this clarification was because the company cannot hire anyone under the age of 18. Therefore, the company asked that this additional language be included. He explained that the facility is located on property owned by Canutillo Independent School District and when an incentive is offered to a company the Economic Development Department asks that the School Districts become involved.

Representative Ortega asked Mr. Franco to state what the annual payroll and investment of both real and personal property that the Southwestern Bell Company would be bringing in.

Mr. Franco stated that 504 new jobs would be created and overall investment is \$10.35 million dollars and the annual payroll amount is \$21,278,000.00 with an economic impact of \$72,296,000.00. This is the first time that a specific school district is asked to participate in this venture, previously the Economic Development Department had asked that the company participate in a general vocational training program.

Mayor Carlos M. Ramirez added that the State Legislature recently approved a bill to allow School Districts, on a limited basis, to participate in Tax Abatement Programs.

Mr. Franco commented that he would be looking into this and that the Bill would be going into effect in 2001.

Motion made by Representative Sariñana, seconded by Representative Ortega and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the City Council of the City of El Paso ("the City") enacted and adopted Ordinance No. 014640 on September 26, 2000, designating Reinvestment Zone "EE" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et seq., Texas Tax Code, as amended ("the Act"); and

WHEREAS, pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by Resolution dated September 12, 2000, the City Council adopted on September 26, 2000, a Resolution authorizing the Mayor to sign a Tax Abatement Agreement with Providian Bancorp Services ("Providian"), which owns or has a possessory interest in certain taxable real property located in the Zone; and

WHEREAS, Providian has reviewed the Tax Abatement Agreement and desires to implement minor revisions from the form approved by City Council; and

WHEREAS, City Council desires to approve those revisions proposed by Providian;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the revised Tax Abatement Agreement with Providian Bancorp Services, pursuant to the terms and conditions as set forth in a copy of such agreement, which is attached hereto as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's office)

Representative Medina stated that the original Agreement stated that the company would create 1200 jobs and how the number is down to 900 jobs.

Mr. Adrian Ocegueda, Economic Analyst, explained that in the Agreement a clause was written pertaining to the extension period. He clarified that when a company comes to El Paso, the Economic Development Department gives the company an initial five year term, following the initial term the Department "weighs" the numbers in order that the company might receive another five year term. So that in years 8 and 9, for this particular company, the number of new jobs would increase from 900 jobs to 1200. He explained that the company has already hired 500 new employees, less than one year into their contract, which is consistent with the range of jobs in the contract which was 900 to 1200 at the end of five years. He added that all the other terms are unchanged.

Representative Escobar clarified that eventually the company would be creating 1200 new jobs.

Mr. Ocegueda agreed and added that the time period might not extend the whole five years. He explained this is not the traditional 50-50, but that this Agreement is the more aggressive Tax Abatement Agreement and this clause specifically is in regard to the five year extension period.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Application for Renewal on behalf of the El Paso City-County Health and Environmental District. The Application for Renewal is used to renew the certificate of registration issued by the Texas Department of Public Safety under the Texas Controlled Substances Act.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit the Federal Annual Certification Report to the U.S. Department of Justice for fiscal year 2000 and a revised Federal Annual Certification report to the U.S. Department of Justice for fiscal year 1999 relating to the accounting of federal equitable sharing funds (confiscated funds).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Liens on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these condemnation liens:

	<u>Lien Amount</u>
302 North Raynor Street	\$2,492.91
302 North Raynor Street	\$4,484.20

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a request for the extension of the award period to the Drug Enforcement Administration, Office of National Drug Control Policy, to extend the award ending date to September 30, 2001 for the following FY99 HIDTA grants: HIDTA-Intelligence Initiative grant no. I9PSWP572; HIDTA-Stash House grant no. I9PSWP574; and Multi Agency grant no. I9PSWP558; and to extend the award ending date to June 30, 2001 for the following FY99 HIDTA Grant: HIDTA-Hotel/Motel grant no. I9PSWP566.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art.

Event: Breakfast and Award Presentation
Licensee: El Paso Electric Company
Date: September 28, 2001
Time: 7:00 a.m. - 9:00 a.m.
Charge for Space: \$1,200.00
Charge for Staff (est): \$300.00
Charge for Insurance: \$150.00
Area(s): Special Events

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
NO. 510073, SUB-OBJECT 202214**

1. CONTRACTOR: Gonzalo Delgado, Boxing Coordinator
DATES: June 1, 2001, thru August 31, 2001
RATE PER CL: \$8.80
MAXIMUM AMT: \$1,161.60
CONTRACT: 2000/2001-187
2. CONTRACTOR: Judith Marcus, Ballet Instructor
DATES: June 1, 2001, thru August 31, 2001
RATE PER CL: \$11.80
MAXIMUM AMT: \$613.60
CONTRACT: 2000/2001-188

3. CONTRACTOR: Daniel Dallas Puente, Basketball Referee
DATES: May 12, 2000, thru August 31, 2001
RATE PER CL: \$8.00
MAXIMUM AMT: \$472.00
CONTRACT: 2000/2001-189
4. CONTRACTOR: Virginia Quiñonez, Aerobics Instructor
DATES: June 1, 2001, thru August 31, 2001
RATE PER CL: \$6.90
MAXIMUM AMT: \$455.40
CONTRACT: 2000/2001-190
5. CONTRACTOR: Miguel Reyes, Karate Instructor
DATES: June 1, 2001, thru August 31, 2001
RATE PER CL: \$5.25
MAXIMUM AMT: \$210.00
CONTRACT: 2000/2001-191
6. CONTRACTOR: Consuelo Sanchez, Aerobics Instructor
DATES: June 1, 2001, thru August 31, 2001
RATE PER CL: \$10.30
MAXIMUM AMT: \$267.80
CONTRACT: 2000/2001-192

CDBG GRANT - MULTIPURPOSE CENTER

NO. 150056, 7126CD, 0032 GRANT DETAIL, SUB-OBJECT 202214

7. CONTRACTOR: Rafael Ortiz, Jr., Exercise for Persons w/Disabilities
DATES: May 16, 2000, thru August 31, 2001
RATE PER CL: \$8.00
MAXIMUM AMT: \$3,400.00
CONTRACT: 2000/2001-193

MEMORIAL PARK SENIOR CENTER

NO. 510164, SUB-OBJECT 202215

8. CONTRACTOR: Javier A. Garcia, Painting Technique Instructor
DATES: May 18, 2001, thru August 30, 2001
RATE PER CL: \$18.00
MAXIMUM AMT: \$324.00
CONTRACT: 2000/2001-194

MULTIPURPOSE CENTER

NO. 510032, SUB-OBJECT 202214

9. CONTRACTOR: Monica Esqueda, Kick Boxing Instructor
DATES: May 8, 2000, thru August 31, 2001
RATE PER CL: \$10.30
MAXIMUM AMT: \$453.20
CONTRACT: 2000/2001-195

10. CONTRACTOR: Rebecca Manriquez, Aerobics Instructor
DATES: May 8, 2000, thru August 31, 2001
RATE PER CL: \$10.30
MAXIMUM AMT: \$412.00
CONTRACT: 2000/2001-196

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***RESOLUTION**

WHEREAS temperatures and humidity are often uncomfortably high in El Paso during the summer months; and

WHEREAS workplace comfort adds to the productivity and the enjoyment of life; and

WHEREAS lighter and less restrictive clothing appropriate to the workplace can promote comfort during such months.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That a casual professional attire be adopted for the summer months through Labor Day, for those employees whose jobs do not require the wearing of uniforms; and that the wearing of suit coat and ties and other formal business attire be optional for employees during this time period.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor is authorized to sign all necessary contract documents for the National Institute of Government Purchasing, Inc. and Simonton Enterprises, L.L.C. for the NIGP Commodity/Services Code License Agreement for the City of El Paso Purchasing Department.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with CARMEN M. BARRIO d/b/a PACK N SHIP to lend them One (1) 4 Cubic Yard Dumpster in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Representative Sumrall asked for a report on the costs of the Solid Waste Management's recycling program from the Solid Waste Management Department. She stated that this might be something that could be handled by private industry.

Ms. Monica D. Cunningham, Chief Administrative Officer, asked if Representative Sumrall meant a report on the recyclable materials.

Representative Sumrall stated no, an overall report including distributing and picking up of the containers, specialized routes and how much the City has received as a benefit of the recyclable material.

Mayor Carlos M. Ramirez explained that there are benefits to the City regarding this program such as: encouraging recycling, reducing the waste going into the landfills thus extending the life of the landfills.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with GM MART to lend them One (1) 4 Cubic Yard Dumpster in exchange for the recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Please see discussion on page 7

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with HERITAGE ENVIRONMENTAL SERVICES, LLC to lend them One (1) 32 Gallon Container and Seven (7) 8 Gallon Baskets in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Please see discussion on page 7

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with BPLW ARCHITECTS & ENGINEERS, INC. to lend them One (1) 32 Gallon Container in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Please see discussion on page 7

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with CREATIVE FINANCIAL STRATEGIES GROUP to lend them One (1) 32 Gallon Container in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Please see discussion on page 7

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with LARA & ROBERTSON CREATIVE, INC. to lend them Two (2) 32 Gallon Containers and One (1) 8 Gallon Basket in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Please see discussion on page 7

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 3rd day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 156 Ceres Place, in El Paso, Texas, which property is more particularly described as:

Lots: 64 and 65, North Valumbrosa Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 15, Page 26, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Manuel Raul Alvarez and Elva Georgina Alvarez are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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*Motion made, seconded and unanimously carried to install guard posts at Villanova and Prado. Cost estimate is \$1,026.36.

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Recreation Leader I, Parks & Recreation (2 positions)
- B. Recreation Leader III, Parks & Recreation (3 positions)
- C. Clerk III, Municipal Court (1 position)

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*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Departmental Research Assistant, Police (1 position)

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Motion made by Representative Medina, seconded by Representative Ortega and carried to postpone four (4) weeks the Staffing Table Change for Fire Department:

Delete	1	Fire Training Chief	F 7
Add	1	Fire Division Chief	F 6

Representative Rodriguez voted Nay. The Motion to postpone passed 7-1.

Representative Sumrall moved to delete this item and Representative Sariñana seconded. (The Motion to postpone took precedence, therefore, no vote was taken.)

Representative Sumrall explained that the position of Fire Training Chief is a very specialized position and the idea of downgrading this position is bothersome to her.

Fire Chief Glenn Johns commented that the Fire Department is making the change for several reasons and explained the need for the additional Fire Division Chief position. He explained that the Fire Training Chief position is changing in nature due to the contract with the El Paso Community College.

Mayor Carlos M. Ramirez reiterated that the Fire Chief is recommending this change.

Representative Cook asked who held this position previously.

Chief Johns explained that the position is currently vacant due to the recent retirement of Fire Training Chief Joe Savage.

Mayor Ramirez explained that someone new would be coming into this position.

Chief Johns explained that the Fire Department has a number of Support Division Chiefs positions: Administrative, Training, Superintendent of Maintenance, etc. There is a disparity in the pay grade for these positions, some positions are an FS7 and others are an FS6. The Fire Department is trying to make them all consistent to become FS6 through attrition over time.

Representative Sariñana asked if Chief Johns had discussed this with the Local 51 Association.

Chief Johns stated that he did not sit with the Association; however, he did discuss this with the Local 51 Association President over the telephone.

Representative Sariñana stated that he has spoken with the Association's President and that the President of the Association explained that there was no knowledge of these changes and no communication with Chief Johns.

Chief Johns stated that this was not true.

Mayor Ramirez cautioned Council Members and that these issues have been addressed in other matters in different fashions. He stated that the Fire Chief is the Head of the Department, he is the manager and makes management decisions. The Association does not tell the Fire Chief what to do.

Mr. Ralph Torres, President of Local 51 El Paso Association of Fire Fighters, stated that he has come today in opposition of the personnel change. He stated that the discussion with Chief Johns were telephone conversations, not sit down meetings. He commented on the dismantling of the Fire Marshal's Division of the El Paso Fire Department in 1997. He explained that the position of FS7 is in the contract and he believes that this is an issue better handled in Collective Bargaining.

Mayor Ramirez clarified that the previous administration had dismantled the Fire Marshal's Division of the Fire Department; however, the current administration put it back together.

Representative Ortega asked Mr. Torres to explain what his opposition was.

Mr. Torres explained that the position would be a downgrade and that there are some safety concerns. He remarked on the differences in pay between an FS6 and an FS7.

Mayor Ramirez stated that the Fire Chief explained that the Training Chief position is no longer needed due to the contract with the El Paso Community College.

Mr. Torres commented on the Fire Department's contract with the El Paso Community College and that the high standards of the Training Division might be compromised. He explained that the Training Chief position is the quality check to ensure that citizens are protected and that training is not diluted.

Mayor Ramirez stated that Chief Johns is continuing to ensure that the Fire Department Training Academy is held to the highest standards. He added that the most recent graduating class of training recruits did very well academically.

Mr. Torres explained that he is concerned with the safety of the men and women of the Fire Department and those individuals seeking a career with the Fire Department. He stated that the Training Chief exam is specific to training issues.

Representative Cook commented that Training Chief Joe Savage did a tremendous job as the Fire Department Training Chief and that he had a great impact on the quality and caliber of firefighters who have graduated from the Fire Department Training Academy.

Fire Chief Glenn Johns explained that under the Collective Bargaining Agreement the Association has the ability to do a lateral transfer which is unique in the City of El Paso. He stated that the Division Chiefs provide professional leadership and management within the Fire Department.

Representative Medina stated that he is not ready to vote on this issue today and asked that the issue go to a Legislative Review Committee meeting.

Mayor Ramirez stated that this is a personnel issue and should not go to a Legislative Review Committee meeting.

Representative Rodriguez read a brief description of the job duties of the Fire Training Chief and asked how the El Paso Community College is addressing these duties.

Chief Johns reiterated that the character of the Fire Training Chief's responsibilities have changed. He explained that the Fire Training Chief no longer has administrative responsibility and the primary responsibility for recruit training, which was at least half the duties of the position previously. Chief Johns stated that the qualifications and characteristics are also in existence within the Division Chief position. He explained that the Fire Training Chief is responsible for veteran training and other training areas; however, some of the job duties have been reduced due to the contract with El Paso Community College.

Representative Escobar asked Chief Johns to explain how this change would reduce the number of exams. He stated that he has always been a proponent of exams because he feels that it is usually the best person who receives the promotion. He noted the qualification differences of an F7 and an F6 and commented on these.

Chief Johns explained that there are approximately seven Divisions with separate Division Heads overseeing them. In the past, there were separate and specific job classifications which required an exam for each position. However, the Fire Department would like to hold one exam for Division Chief and promote from that list. Chief Johns stated that the Certificate of "B" Instructor by the State Commission on Fire Protection is a requirement and that the individual assigned this position would be required to obtain this certification. He interjected that the Division Chief position is a "tested for" position.

Representative Sariñana asked Chief Johns if he was willing to sit down with the Association and to postpone the item.

Chief Johns stated that he has discussed this with the Association and an obvious difference of opinion is apparent. There is the issue of timeliness in filling the vacancy.

Mayor Ramirez explained that the Chief is making the recommendation, it is a good management move and it is a personnel matter.

Representative Sumrall commented that she respects the Fire Chief and reiterated that he is one of the best Department Heads in the City; however, she has concerns regarding the contract and any breaches within. She also stated that she would not be able to vote in support of this item today.

Chief Johns addressed Representative Sumrall's concerns regarding the contract. He read a portion of the contract regarding the City's Retained Prerogatives.

Mr. Michael Cohen, attorney representing Local 51, explained Section 174 of the Local Government Code recognizes and acknowledges that Local 51 is the bargaining unit for the firefighters. He also stated that the contract states any vacancy in the Fire Department must be filled within 60 or 90 days and this has not been done.

Ms. Lupe Cuellar, Assistant City Attorney, explained that the specific provision, as read by Chief Johns, is contained in the contract; however, Section 174 of the Local Government Code, as read by Mr. Cohen, does state that the City can enter into a contract with the Local 51, which the City has done and bargained for, which is the prerogative(s) that the City has maintained. She stated that previous Staffing Table Changes have been approved by Council Members without the Association's approval.

Chief Johns commented that the Fire Department has added positions without the approval of the Association in the past.

Mayor Ramirez explained that the City does have the prerogative to continue what is being proposed. He cautioned Council Members that the City needs to maintain the prerogative of managing departments.

Mr. Torres explained that it has been the practice in the past to have conversation(s) with the Fire Chief in regard to personnel issues. He stated that Council Members should seriously consider keeping the Training Chief position as it is.

Representative Ortega commented on the differences in the job specifications and pay of the FS6 and FS7 positions.

Mr. Torres responded to Representative Ortega's comments stating that the FS7 positions are very important to the Fire Department. He added that our Training Division is the top third in the United States and the El Paso Fire Department is Number 1 in the nation. He explained that Section 9, Article 19, of the Contract states that the Fire Department administration and the Firefighter's Association would meet and diligently discuss issues regarding personnel issues.

Mayor Ramirez restated that the Contract allows the City to have control over personnel issues. He pointed out that this Administration has provided more thermal imaging helmets, defibrillators, reinstated the Fire Marshal's office, fire engines, equipment and fire stations than ever before.

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police Department:

Add	.60	V.O.E. Clerk
Delete	.70	Contract - Administrative Support

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Street Department:

Add 1 Senior Toll Collector GS 14

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #U819-000-018E-05D0, \$417.01 per month installments on a balance of \$2,446.35 for 2000 taxes; Margarito Arellano - 7951 Bosque Rd.
- B. PID #G569-999-0460-8500, \$385.98 per month installments on a balance of \$6,300.99 for 1997, 1998, 1999 and 2000 taxes; Ruth A. & Jaime Ratliff, - 4012 Tularosa Ave. #B.
- C. PID #E014-999-0380-0100, \$4,476.82 per month installments on a balance of \$73,466.71 for 1998, 1999 & 2000 taxes; Alejandro S. Becerril - 3434 Durazno Ave.
- D. PID #R232-000-0040-1300, \$308.89 per month installments on a balance of \$3,568.02 for 1996, 1997, 1998, 1999 & 2000 taxes; Josefina Gutierrez - 111 El Piñon Dr.
- E. PID #A164-000-0010-0100, \$435.01 per month installments on a balance of \$3,612.72 for 2000 taxes; Marta C. Loya - 549 Belen St.
- F. PID #1994-999-0906-0042, \$1,019.79 per month installments on a balance of \$9,937.77 for 2000 taxes; Dino Poly Bags - 1141 Barranca Dr.

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. First Union in the amount of \$556.88, overpayment of 2000 taxes.
(PID #2000-999-2024-0055)
 - B. First Union in the amount of \$857.63, overpayment of 2000 taxes.
(PID #2000-999-2023-0030)
 - C. WestStar National Title Company LLC in the amount of \$3,597.81, overpayment of 2000 taxes.
(PID #C340-999-0230-7700)
 - D. First Horizon Home Loans in the amount of \$5,978.66, overpayment of 2000 taxes.
(PID #C340-999-0800-0300)
 - E. Homecomings Financial in the amount of \$1,219.85, overpayment of 2000 taxes.
(PID #L714-999-0060-7700)
 - F. Mortgage Services in the amount of \$5,000.00, overpayment of 2000 taxes.
(PID #T213-999-0120-0400)
 - G. Iky Monty Farms in the amount of \$5,747.33, overpayment of 2000 taxes.
(PID #U501-000-0000-0470)
 - H. Francisco O. Ramirez in the amount of \$1,101.15, overpayment of 1997 taxes.
(PID #V897-999-0030-4500)
-

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-542 NON-DEPARTMENTAL

Increase in Municipal Court collections has led to increase appropriation. Collection agency is paid a percentage of accounts collected.

Decrease	\$200,000	from	010273/204405	Operating Cont
Increase	\$200,000	to	010011/202201	Billing/Coll

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 15 (Public Services) of the El Paso Municipal Code, by amending Chapter 15.08 (Street rentals), Section 15.08.120 (Special privilege licenses) by establishing requirements and fees for the installation of temporary street displays within portions of public rights-of-way, the penalty being as provided in Section 15.08.120.K of the Code.
.....

ORDINANCE 14856

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 100, CINECUE PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS (8300 BLOCK OF TROY AVENUE) FROM R-F (RANCH-FARM) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana asked Mr. Bradley Roe if the sidewalks would be put in.

Mr. Bradley Roe, Roe Engineering, explained that a plat would be submitted showing the sidewalks.

Motion duly made by Representative Sariñana, seconded by Representative Hernandez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14857

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 11, 12 AND 13, BLOCK 105, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (604 SOUTH KANSAS) FROM A-3 (APARTMENT) TO A-O (APARTMENT-OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Hernandez, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14858

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01002, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACTS 1 AND 2, CHRISTY TRACTS, EL PASO, EL PASO COUNTY, TEXAS (YARBROUGH DRIVE AND MANSFIELD AVENUE) PURSUANT TO SECTION 20.12.040.A (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Sariñana, seconded by Representative Hernandez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14859

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE NEW CLASS OF WATER AND WASTEWATER ECONOMIC ANALYST.**

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14860

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING LIFE COMMUNITY CHURCH TO USE A PORTION OF EASTWOOD ALBUM PARK FROM 8:00 AM UNTIL 1:00 PM ON JUNE 17, 2001.**

Motion duly made by Representative Ortega, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14861

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING ORLANDO FONSECA II TO USE SHAWVER PARK PAVILION FROM 8:00 AM UNTIL 10:00 AM ON SEPTEMBER 30, 2001.**

Motion duly made by Representative Sariñana, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Representative Sumrall asked for more information regarding the Pet Blessing Ceremony.

Mr. Pete Dunavant, Parks & Recreation Department, explained he would contact Mr. Fonseca for Representative Sumrall.

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14862

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS); BY AMENDING SECTION 2.44.040 (PRACTICE AND PROCEDURE) TO REVISE THE PROCEDURE FOR PAYMENT OF CITATIONS IN THE MUNICIPAL COURT; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Ms. Richarda Momsen, Municipal Court Clerk, explained that this item is to allow for a greater period of time for individuals to answer to their citations. She explained the current time frame for individuals who have received a citation.

Representative Sumrall asked Ms. Momsen if it is absolutely necessary for individuals to appear at the Arraignment Court on the date.

Ms. Momsen stated that the individual could post bond in order to secure a reset. Posting bond is not considered a guilty plea; however, at the trial if the individual is found not guilty then the bond is refunded. She stated that an attorney could appear for the individual.

Motion duly made by Representative Sumrall , seconded by Representative Rodriguez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Representative Medina was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 7091 Yvonne Ct., in El Paso, Texas, which property is more particularly described as follows:

Lot: 4, Block 12, Millers Lakeside Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 5, Page 7, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Aurelio O. Barron AKA Aurelio O. Barron, Jr., record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 29th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and

- d. That the structure is feasible to be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for July 24th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and if not to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Representative Sumrall stated that the taxes were deferred for 20 years, she wondered if the property owner had died.

Mr. Juan Sandoval, Tax Collector, explained that any person 65 years of age or older can file for a tax deferral on the residence. The taxes are outstanding; however, the property owners have decided to defer the payment on taxes.

Representative Sumrall explained that the citizens need to know that if they are 65 years of age or older they can defer their taxes until their death or the death of their spouse.

Mr. Sandoval stated that the spouse could take over the deferral.

Representative Sumrall commented that at the time of the sale of the house or a transfer of ownership then the taxes would become due.

Mr. Sandoval explained that the estate would be responsible for the payment of the taxes.

Representative Sumrall explained that citizens need to know this information because many people feel strapped with paying their taxes and not being able to stay in their own homes if they are senior citizens. This could make a tremendous difference in their lives as far as being able to stay in their homes and not having to sell them because the taxes are too high.

Mr. Sandoval explained that that is the reason the legislature went into effect so that the elderly could still live in their homes. He added that the other advantage is that they pay 8% interest per year.

Mr. Thomas Maguire, Building Services, read from a prepared statement and gave the department's recommendation.

Representative Sumrall asked how long it has been since the building has been lived in.

Mr. Maguire did not know the answer to that question.

Mr. Medina questioned whether there has been any response from the owners to date.

Mr. Maguire responded no.

Motion made by Representative Medina, seconded by Representative Ortega and unanimously carried to accept the department's recommendations and adopt the above Resolution.

.....

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3100 Dyer Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: 9 through 16, both inclusive, Block 109, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 60, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Ramon Orona and Rebecca Martinez Orona, 3100 Dyer Street, El Paso, Texas 79901 record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 29th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure is feasible to be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for July 24th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and if not to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, read from a prepared statement and gave the department's recommendations.

Mayor Carlos M. Ramirez asked whether the property owners or anyone affiliated with the property was available to answer questions.

No one came forward.

Representative Hernandez asked Mr. Maguire how long the property has been vacant.

- b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after April 17th, 2001 that is, on or before May 16th, 2001; and
- c. That the Owners have failed to comply with the Order each day from May 16th, 2001 through May 29th, 2001, a total of 13 days; and
- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$13,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the Owners are hereby assessed the following civil penalties: \$100 a day for each of the 13 days during which the City Council Order of April 17th, 2001 was not complied with; for a total of \$1,300.
- 2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
- 3. That the Owners are hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Mr. Thomas Maguire, Building Services Department, read from a prepared statement and gave the Department's recommendations. He explained that the buildings have been secured; however, the debris has not been picked up.

Representative Escobar asked if the owner's were present at the Council meeting on April 17, 2001.

Mr. Maguire stated that at the April 17, 2001 Council meeting the owner's were not present and that they had been notified through the mail and that the department has received Return Receipt Requested green cards.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendation and the penalty of \$100.00 per day, as per the above Order.

.....
 Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to postpone two (2) weeks the request of Omega Vision, Inc. to hold a foot race/walk on July 28, 2001 from 5:00 a.m. to 5:00 p.m. Route: Start at 4190 North Mesa and proceed south to Brentwood, east to Stanton, south to Kerby Street, north to Rim Road, west on Scenic to Robinson, south on Robinson to Stanton and re-trace course back to 4172 North Mesa. Approximately 1,000 persons will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (2 bullhorns). Note: District was changed to District 1.

Mayor Carlos M. Ramirez asked why the item was placed on the Regular Agenda.

Ms. Carole Hunter, City Clerk, explained the concerns of the Departments. She recommended postponing the item.

Representative Cook explained that the parade was originally set to go down Dyer Street and that the item on the agenda is an alternate route.

Ms. Hunter agreed and stated that this was an alternate that the Traffic Department had agreed to.

Representative Sumrall stated that she was very much opposed to this event and explained that the route is through a very quiet neighborhood and the sidewalks are very narrow.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried to accept the recommendations of the Legislative Review Committee regarding the lottery of vendors' sites/carts.

Representative Ortega was not present for the vote. Representative Hernandez voted Nay.

Representative Hernandez explained that she put this on so that the Legislative Review Committee could give its report.

Ms. Pat Aduato, Planning Director, explained that Mr. Danny Morales requested a one week postponement. She stated that the recommendation from the Planning Legislative Review Committee was 3-0 not to extend the terms of the 21 Special Privilege licenses.

Representative Hernandez stated that she would like to postpone the item one week due to the absence of Mr. Morales.

Representative Medina stated that Mr. Morales has come to Council meetings and Legislative Review meeting. He stated that he would be ready to vote on the item today.

Representative Hernandez explained that every citizen has the right to speak on an item.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action concerning report and recommendations of Thomas C. DeWard concerning Basic Tier rates and surcharges of Time Warner Communications in the City of El Paso.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on an appeal of the Development Coordinating Committee denial of SP-01002 requesting to build an overhead walkway across a portion of public drainage right-of-way to provide access between Lots 36 & 37, Block 7, Ridge View Estates, Unit 2. (Padilla Homes)

.....
RESOLUTION

WHEREAS, the City issued Contracts No. 1999-51-132C2, 2000-011 and 2000-143C2 to Libay Janitorial Service pursuant to Bids Nos. 1999-51-132, 2000-011 and 2000-143, awarded April 27, 1999, December 21, 1999 and April 25, 2000 respectively for Janitorial Services for Wellington Chew Senior Center, City of El Paso Museum of Art, and Rev. Pete Martinez Senior Center for the City of El Paso Museum of Art and Parks and Recreation Departments; and

WHEREAS, pursuant to Clause No. 8.A. of the Contracts (Termination for Convenience), the City reserved the right to terminate the contracts for convenience; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Contracts Nos. 1999-51-132C2 (Wellington Chew Senior Center), Contract No. 2000-011 (Museum of Art), and Contract No. 2000-143C2 (Rev. Pete Martinez Senior Center) with Libay Janitorial Service are hereby terminated for convenience and the Director of Purchasing is directed to notify the Contractor that the termination is effective at midnight June 3, 2001.

Mayor Carlos M. Ramirez asked if there were any questions regarding this item.

Representative Escobar asked who would be doing the janitorial service for these facilities in the interim.

Ms. Monica D. Cunningham, Chief Administrative Officer, stated that she would get the information for Representative Escobar.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Ortega was not present for the vote.

.....
Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to take no action regarding the termination and reinstatement of contract of Adeel Shaikh.

Mayor Carlos M. Ramirez explained the background regarding this item. He stated that the contract was terminated for convenience. This item is up for a full discussion.

Ms. Rita Rodriguez, Assistant City Attorney, explained that the item should be an Executive Session item unless the employee requests that the discussion be in open session.

Representative Escobar stated that the employee should state this for the record.

Mr. Adeel Shaikh asked that the item be held in open session.

Representative Sumrall made a Motion that Council Members refer the item to Mr. Jim Pulliam, Information Technology Director.

Mayor explained that Mr. Pulliam and Ms. Lupe Cuellar, Assistant City Attorney, are ready to address Council Members. This is on the record as requested by the employee.

Mr. Shaikh explained the reason why he was before Council Members today. He stated that he does not have a lawyer present today.

Mayor Ramirez stated that this is a personnel matter and that Mr. Pulliam will address the Council and give his recommendation and the reasons why he has made this recommendation. Ms. Cuellar will address the Council not to influence the Council, but to give legal counsel.

Representative Escobar asked Mr. Shaikh if this item was a settlement conference.

Mr. Shaikh explained that he has brought this to Council to review the facts and see if Council Members would make the same conclusions as far as terminating his contract.

Representative Escobar reiterated that this is not a settlement of the issues but for Council Members to possibly reconsider their vote from the previous Council meeting.

Representative Sumrall stated that Mr. Shaikh has mentioned the word "settlement" on several occasions and she asked if Mr. Shaikh was seeking a financial settlement.

Mr. Shaikh responded no he just wanted his job back.

Mayor Ramirez stated that information he has states Mr. Shaikh was seeking employment elsewhere.

Mr. Shaikh stated that he would be discussing this in detail later on in the discussion.

Representative Escobar asked Mr. Shaikh if he were going to file an EEOC complaint.

Mr. Shaikh stated that at the moment he has not done so; however, if there is no conclusion after today's discussion he would be seeking other ways of concluding the matter.

Representative Sariñana stated that last week the item was discussed in Executive Session and at that time and it appeared Mr. Shaikh had made plans to seek other employment.

Mr. Shaikh stated that he was adamant about keeping his job at the City.

Representative Medina clarified his involvement in this matter. He explained what had transpired at last week's Council meeting and at that time he explained to Mr. Shaikh that he could place the item on the agenda for discussion.

Mr. Shaikh addressed his employment history with the City by stating that the computer industry is very fast paced and designing websites takes approximately three months to complete. He has been employed since he was in the eighth grade. He stated that other employees were involved and that the Information Services Department employees were not allowed to make comments regarding Mark Threadgill.

Mayor Ramirez read from a copy of an email sent by Mr. Shaikh to Mr. Pulliam on May 11, 2001 regarding his seeking employment elsewhere.

Mr. Shaikh responded that the email read by the Mayor was missing additional language. He stated that the missing language was in regard to Mr. Threadgill making it impossible for him to fulfill his job duties.

Mayor Ramirez explained that Mr. Pulliam has come to this decision on his own accord.

Ms. Lupe Cuellar, Assistant City Attorney, stated that the contract with Mr. Shaikh states that the City can terminate without cause, provided that the City give him 30 days notice, or that the City can terminate with cause, immediately. The recommendation made to Council Members last week was to terminate without cause, for the City's convenience. She clarified that the decision to make the recommendation to Council was made by Mr. Pulliam, not Mark Threadgill, and that the termination was without cause.

Mr. Jim Pulliam, Information Technology Director, made comments on the matter.

.....
Motion made by Representative Ortega, seconded by Representative Sariñana and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from June 13, 2001 through December 31, 2001. (Fee: \$75.00 per location, SP-01009)

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PUBLIC HEARING WILL BE HELD ON JUNE 12, 2001 FOR ITEM A

- B.** An Ordinance changing the zoning of a Portion of Tract 1-K-2, Block 80, Section 39, TSP 2, Texas & Pacific RAILROAD COMPANY Surveys, City of El Paso, El Paso County, Texas (10140 Montana Avenue) as follows: Parcel 1, from C-1/sc (Commercial/special condition) to C-4/sc (Commercial/special condition); as follows: Parcel 2, from C-1/sc (Commercial/special condition) to C-3/sc (Commercial/special condition), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Cristobal Martinez / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-01013.
- C.** An Ordinance changing the zoning of all of Tract 2B and Portions of Tract 2D, Block 9, YSLETA GRANT, City of El Paso, El Paso County, Texas (364 Pendale Road) as follows: Parcel 1, from R-F (Ranch-Farm) to R-3 (Residential); Parcel 2, from R-F (Ranch-Farm) to R-3 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Toribia Carillo / Representative: Toribia Carillo, 364 Pendale Road, El Paso, TX 79907. ZC-01016
- D.** An Ordinance changing the zoning of Lot 17, Block E, COLLINGSWORTH, City of El Paso, El Paso County, Texas (5990 Alameda) from R-4 (Residential) to C-3 (Commercial), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Cesar Carlos Holguin / Representative: Cesar Carlos Holguin, 1420 Plaza Fatima, El Paso, TX 79912. ZC-01017.
- E.** An Ordinance changing the zoning of a portion of Lot 29, and all of Lots 30, 31 and 32, Block 91, EAST EL PASO, City of El Paso, El Paso County, Texas (3400 - 3402 Montana Avenue) from R-5 (Residential) to S-D (Special Development), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Enrique Escobar / Representative: Enrique Escobar, 4145 River Bend Drive, El Paso, TX 79922. ZC-01018.

PUBLIC HEARING WILL BE HELD ON JUNE 19, 2001 FOR ITEMS B - E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**RESOLUTION CANVASSING THE RETURNS
OF THE 2001 CITY RUN-OFF ELECTION**

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

WHEREAS, the City Council of the City of El Paso ordered a run-off election to be held in said City on May 26, 2001, for the purpose of electing the following named City officials for the ensuing two years in accordance with the Charter of the City of El Paso: Mayor, District Representative Nos. 2, 4, 5, 6, and 8, and Judge, Municipal Court Number 1; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been delivered to said City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council officially finds and determines that said run-off election was duly ordered, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have been properly made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with the law.

2. That the City Council officially finds and determines that the following votes were cast at said run-off election for the following officer, by the resident, qualified electors of said City, who voted at the election:

MAYOR

Raymond C. (Ray) Caballero	38,760
Larry Francis	23,214

DISTRICT REPRESENTATIVE NO. 2

Rose Rodriguez	2,688
Betti Flores	2,569

DISTRICT REPRESENTATIVE NO. 4

John Cook	4,856
Stan Roberts	3,313

DISTRICT REPRESENTATIVE NO. 5

Dan Power	5,641
Dan Chavez	5,126

DISTRICT REPRESENTATIVE NO. 6

Jay J. Armes	2,439
Paul Escobar	3,751

DISTRICT REPRESENTATIVE NO. 8

Elvia G. Hernandez	1,589
Anthony W. Cobos	2,544

JUDGE, MUNICIPAL COURT NO. 1

Maria Ramirez	28,892
David A. Bonilla	26,866

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3. That in the case of the following offices, the following persons who received a majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms, or until the election and qualification of their successors:

MAYOR

Raymond C. (Ray) Caballero

DISTRICT REPRESENTATIVE NO. 2

Rose Rodriguez

DISTRICT REPRESENTATIVE NO. 4

John Cook

DISTRICT REPRESENTATIVE NO. 5

Dan Power

DISTRICT REPRESENTATIVE NO. 6

Paul Escobar

DISTRICT REPRESENTATIVE NO. 8

Anthony W. Cobos

JUDGE, MUNICIPAL COURT NO. 1

Maria Ramirez

4. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical cumulative reports and the mechanical precinct tabulations of the votes cast at the 2001 City Run-Off Election.

5. That this Resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representatives Ortega and Sariñana were not present for the vote.

.....
*Motion made, seconded and unanimously carried to delete Joseph Thomas, Jr., Our File No. 99-PD-6-1H (Section 551.071)
.....

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to ratify the action of the Purchasing Director to issue purchase order in the amount of \$8,500.00 to First In, Inc.

This is a exemption from the lame duck because "If the work is not done then the air packages can not be refilled timely which could result in lack of units available at fire scenes. This could cause harm to the health and welfare of the firefighters and could result in increased damage to property or loss of lives."

.....
*Motion made, seconded and unanimously carried to postpone one (1) week Manuel Cano, 93-COL-085 (551.071)
.....

Motion made by Representative Cook, seconded by Representative Hernandez and unanimously carried to adjourn this meeting at 12:10 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Rita Rodriguez, First Assistant City Attorney